

REMARKS

Applicants have cancelled claims 2, 4, 5, 7-12, and 16-18 without prejudice expressly reserving the right to pursue the subject matter of the cancelled claims in one or more subsequent applications.

Applicants have amended paragraphs [0011], [0012] and [0013] of the application as published to identify the recited sequences by their appropriate sequence identifiers.

Applicants have amended claim 1, to recite:

1. (Currently Amended) A ~~chimeric~~ polypeptide ~~which is engineered to include a domain comprising a domain a sequence that directs the attachment of at least one a glycosylphosphatidylinositol molecule, wherein said polypeptide is not a ligand binding domain of a cytokine receptor and is for use as a pharmaceutical comprises a modified human growth hormone polypeptide wherein said modification is substitution of glycine 120 with arginine of the amino acid sequence 21-254 of SEQ ID NO: 2.~~

Support for this amendment is found in, e.g., [0042] and [0043] of the application as published and Figure 2.

Claim 1 stands rejected under 35 U.S.C. § 101 for purportedly being directed to non-statutory subject matter. In view of the amendment to the claim Applicants request that the Office reconsider and withdraw the rejection.

Applicants have amended claim 1 and as amended the claim does not embrace the use of the polypeptide. Thus current claim 1 satisfies 35 U.S.C. § 101 and Applicants request that the Office reconsider and withdraw the rejection.

Claims 1-3, 6-9, 11-12 and 16-18 stand rejected under 35 U.S.C. § 112 first paragraph for purportedly lacking written description. Applicants disagree.

Applicants have cancelled claims 2, 4-5 and 7-12 and 16-18 without prejudice and as such the rejection of those claims no longer applies. Applicants have amended claim 1 to recite:

1. A polypeptide comprising a domain that directs the attachment a glycosylphosphatidylinositol molecule, wherein said polypeptide comprises a modified human growth hormone polypeptide wherein said modification is substitution of glycine 120 with arginine of the amino acid sequence 21-254 of SEQ ID NO: 2.

This claim is fully supported by the specification, see e.g, paragraphs [0042] and [0043] of the application as published and Figure 2.

In view of the amendments to the claims Applicants request that the Office to reconsider and withdraw the written description rejection of the claims under 35 U.S.C. §112, first paragraph.

Claims 1-3, 6-9, 11-12 and 16-18 stand rejected under 35 U.S.C. §112, second paragraph for purportedly being indefinite. Applicants disagree.

Applicants have canceled claims 2, 4-5, 7-12 and 16-18 without prejudice and as such the rejection of those claims no longer applies. Regarding claim 1, amended claim 1 clearly describes the claimed polypeptide as comprising a domain that directs the attachment a glycosylphosphatidylinositol molecule, wherein said polypeptide comprises a modified human growth hormone polypeptide wherein the modification is substitution of glycine 120 with arginine of the amino acid sequence 21-254 of SEQ ID NO: 2. One of skill in the art would clearly understand the metes and bound of the polypeptide as currently claimed .

Applicants have amended claim 3 by deleting the entire amino acid sequence and identifying the sequence by its sequence identifier.

Applicants have amended claim 6 such that it recites "comprises" rather than "includes."

In view of the foregoing amendments to the claims, Applicants request that the Office reconsider and withdraw the rejection of the claims under 35 U.S.C. §112, second paragraph.

Claims 1-2, 7-9, 11-12 stand rejected under 35 U.S.C. §102(b) for purportedly being anticipated by Benting (1999). Applicants disagree.

Applicants have cancelled claims 2, 7-9 and 11-12 and 16-18 thus the rejection of those claims no longer applies. Claim 1 as amended recites a polypeptide comprising a domain that directs the attachment a glycosylphosphatidylinositol molecule, wherein the polypeptide comprises a modified human growth hormone polypeptide wherein the modification is substitution of glycine 120 with arginine of the amino acid sequence 21-254 of SEQ ID NO: 2. Benting fails to teach a molecule comprising e.g., the modified human growth hormone polypeptide recited in claim 1 and as such fails to anticipate the invention as claimed.

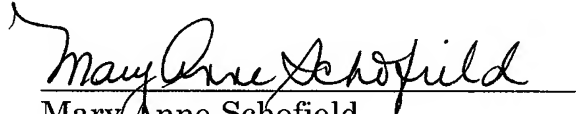
In view of the foregoing remarks, Applicants request that the Office reconsider and withdraw the rejection of the claims under 35 U.S.C. §102 in view of Benting.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100042.59316US).

Respectfully submitted,

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